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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,137	06/22/2006	Emma Svenbrandt	12400-039	4392
757 7590 08/19/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER				
TO, TOAN C				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
08/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,137

Applicant(s)

SVENBRANDT ET AL.

Examiner

TOAN C. TO

Art Unit

3616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 and 19-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10, 18 and 26-33 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Komatsu (U.S. 6,206,466).

Komatsu discloses an air-bag unit for a vehicle seat having a squab and a back-rest, the back-rest including a frame (7) covered with upholstery (2); the air-bag unit (3) comprising an inflatable air-bag (17) connected to an inflator (see line 67 of column 4 to line 1 of column 5) to inflate the air-bag (17) upon deployment of the air-bag unit; the air-bag unit being mounted to the back-rest frame (7) so as to be located inboard of part of the frame with the inflator being positioned to direct gas into the air-bag in a generally forward direction relative to the back-rest (see figure 2), such that the deployment of the air-bag unit will cause the air-bag to inflate so that at least part of the air-bag lies between the frame and an occupant of the vehicle seat; wherein the air-bag unit is mounted such that the inflator is located adjacent a rear-most region of the frame (7), so that a significant length of the air-bag bears against the frame as the air-bag is inflated upon the deployment, urging the airbag towards the occupant.

With respect to claims 2-4, Komatsu discloses an air-bag unit, wherein the air-bag unit (3) further comprises a cover (11) within which the air-bag (17) is initially packed, the cover (11) defining a break-line (P) configured to break upon the deployment of the air-bag such that the inflating air-bag bursts out of the cover (11); the cover being configured such that a part of the cover (11) engages the back-rest frame

(7) upon inflation of the air-bag so as to extend substantially forwardly of the frame (7) and to define a support against which the air-bag (17) bears upon inflation; wherein the part of the cover 11 is configured to engage the frame (7) so as also to extend inboard of the frame (7), wherein the part of the cover comprise a reinforcement rib (18).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu in view of Taguchi et al (U.S. 5,957,486).

Komatsu discloses every element of the invention as discussed above except that the air-bag unit comprises an inner air-bag and an outer air-bag, the inner air-bag being provided inside the outer air-bag, and both the inner and outer airbags being connected to the inflator so that the inner and outer air-bags are both inflated together upon the deployment of the air-bag unit; wherein the outer air-bag is larger than the inner air-bag in that the outer air-bag extends further forwards from the inflator when fully inflated as compared with the inner air-bag; wherein the inner and outer air-bags are initially provided in a packed condition in which the inner bag and at least part of the outer bag are folded together in a substantially zigzag manner about fold lines.

Taguchi et al teaches the invention wherein, the air-bag unit (2) comprises an inner air-bag (22) and an outer air-bag (21), the inner air-bag being provided inside the outer air-bag (21), and both the inner and outer airbags being connected to the inflator (3) so that the inner and outer air-bags (22, 21) are both inflated together upon the deployment of the air-bag unit; wherein the outer air-bag (21) is larger than the inner air-bag (22) in that the outer air-bag extends further forwards from the inflator when fully inflated as compared with the inner air-bag; wherein the inner and outer air-bags are initially provided in a packed condition in which the inner bag and at least part of the outer bag are folded together in a substantially zigzag manner about fold lines (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag unit for the seat of Komatsu by replacing his single airbag with a double airbags (bag within a bag) as taught by Taguchi et al such that the fold lines lying substantially parallel to a major axis of the back-rest extending away from the squab of Komatsu in order to decrease the impact of inflation to passengers upon the inflation of the airbag unit.

Response to Arguments

4. Applicant's arguments filed May 20, 2008 have been fully considered but they are not persuasive. The prior art still read on the claimed limitations.
5. In response to applicant's arguments that in Komatsu, the airbag 17 does not have any portion that bears against the frame 6 or the mounting bracket 7, the inflator is located adjacent to a rear most region of the frame 6, and neither the frame 6 nor the

mounting bracket 7 is disclosed as guiding or urging the airbag 17 towards the seat occupant. The examiner respectfully disagrees with the following reasons:

(1) in previous rejection the examiner did not interpret the frame 6 of Komatsu to correspond with the frame as called out in claim 1, therefore, using of the frame 6 of Komatsu to support for applicant's arguments is considered immaterial.

(2) Recitation "the airbag bears against the frame as the airbag is inflated upon deployment" is considered as a functional recitation, and the functional recitation of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the airbag 17 of Komatsu is capable of touching the forward end portion 7b of the mounting bracket 7 upon inflation of the airbag, in other words the airbag 17 of Komatsu is capable of bearing against the forward end portion 7B of the bracket 7 upon deployment of the airbag 17 such that urging the airbag towards the seat occupant.

Allowable Subject Matter

6. Claims 8-10, and 26-33 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan C To/
Primary Examiner, Art Unit 3616
August 17, 2008